



Provincial Court
of British Columbia



Judicial Council of BC

ANNUAL REPORT 2019



JUDICIAL COUNCIL
OF
BRITISH COLUMBIA

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August 21, 2020

The Honourable David Eby, QC
Attorney General
Ministry of Attorney General
PO Box 9044, Stn Prov Govt
Victoria, BC V8W 9E2

Dear Attorney General:

I am pleased to provide you with the Judicial Council of British Columbia's 2019 Annual Report.

The Council's primary responsibility is to recommend candidates with the highest qualifications for judicial office. The work of the Judicial Council during the past year included reviewing applications and interviewing applicants seeking appointment to the Provincial Court.

The number of applications for appointment as Provincial Court judge increased to 37 in 2019 from 27 in the previous year. The Council reviewed 26 applications for appointment as Provincial Court judge, interviewed 21 applicants, and recommended 17 for the bench. In addition, the Council reviewed applications for appointment as judicial justice and justice of the peace.

The Judicial Council strives to make the application process as transparent as possible and encourages applications from candidates of diverse backgrounds. In 2019, 12 of the 37 applications received included information pertaining to diversity. The Council's efforts toward transparency, recognized by the Canadian Bar Association in 2013, will continue to be a priority.

This report is published in keeping with the Council's tradition of accountability, transparency, and public access to information. It is accessible on the Provincial Court website at www.provincialcourt.bc.ca.

I wish to express my appreciation to the Judicial Council members for their many contributions to the work of the Council during this past year. To the departing members, I offer my sincere thanks for their dedicated service to the public during their time on the Council.

Sincerely,

Melissa Gillespie
Chief Judge, Provincial Court of British Columbia
Presiding Member, Judicial Council of British Columbia

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Judicial Council of British Columbia

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2019 JUDICIAL COUNCIL ANNUAL REPORT: SUMMARY

The role of the Judicial Council of British Columbia, established by the provincial government in 1969, is to improve the quality of service provided by the judicial officers of the Provincial Court. The [Court's judiciary](#) is comprised of judges, judicial justices, and other judicial officers.

The [duties](#) of the Judicial Council under the *Provincial Court Act* are to recommend and advise the Lieutenant Governor in Council (the provincial cabinet) on the appointment of Provincial Court judges, judicial justices, and justices of the peace; to oversee the delivery of education for judicial officers; and when necessary, to undertake inquiries into the conduct of judicial officers.

Each year the Judicial Council reports to the Attorney General on its activities. This report summarizes the membership and activities of British Columbia's Judicial Council in 2019.

Members

The Judicial Council is composed of judges, lawyers, and lay persons, representing perspectives from both within and outside the judiciary. Four of its nine members are appointed by the Lieutenant Governor in Council. The other members, designated by the *Provincial Court Act*, are the Chief Judge, an Associate Chief Judge, the president of the Provincial Court Judges' Association of BC, and the presidents (or their nominees) of the Law Society of BC and the Canadian Bar Association BC Branch.

Judicial Appointments

In Canada, judges are appointed to provincial courts by the province's Lieutenant Governor in Council (the Lieutenant Governor acting on the advice of the provincial cabinet). In British Columbia, the Judicial Council screens and recommends candidates for appointment to the judiciary. The provincial Attorney General selects from the candidates approved by the Judicial Council and makes recommendations to cabinet for appointments.

The Judicial Council has established [criteria](#) for judicial appointments that include a wide range of specific competencies. These competencies help to ensure that the candidates appointed are exceptional individuals who unquestionably demonstrate the highest professional qualifications, temperament, ability, and community standing.

In order to ensure this high standard, the Judicial Council requires detailed applications and requests the assistance of the BC Branch of the Canadian Bar Association and the Law Society of BC to investigate each applicant. The Council reviews applications, conducts interviews, and recommends the most capable candidates to the Attorney General. For more information about the appointment process, visit the [Provincial Court website](#).

The Judicial Council attempts to ensure that the diversity of BC's population is reflected on the Provincial Court bench. It analyzes factors such as the applicants' gender, age, ethnicity, residential region, and type of practice. While the Judicial Council considers these factors in its overall assessment of applicants, it does not assign specific weight to them.

In 2013, the Council revised the judicial application forms to include information relating to the applicants' ethnic or cultural background on a voluntary basis. In 2019, 12 of the 37 applications included ethnic and cultural information. Three applicants were Aboriginal, four applicants indicated they were members of an ethnic or visible minority group, and eight indicated they were members of a diverse group.

In 2019, applications were received from throughout the province. The Council recommended nine men and eight women from all regions for full-time appointment to the Provincial Court bench. It recommended three applicants for appointment as judicial justices, and 21 applicants for appointment as Court Services Branch justices of the peace.

Judicial Education

The Judicial Council supports judges, judicial justices, and other judicial officers in ongoing judicial education. For Provincial Court judges, this includes new judges' programs, court observation and mentorship by experienced judges, travel to various districts in the province, and fall and spring conferences.

[Judicial education](#) is currently organized on behalf of the Judicial Council of BC with support from the

Office of the Chief Judge (OCJ), by the Education Committee of the Provincial Court Judges' Association, and the Education Committee of the Judicial Justices' Association, along with volunteer judges and judicial justices. The Provincial Court's [Annual Report](#) lists the education opportunities available to judicial officers.

In addition, the Judicial Council supports the training and education of other judicial officers through conferences, courses, and on-the-job training.

Other Matters

In addition to recommending applicants and overseeing judicial education, the Judicial Council is responsible for certain other matters respecting judges and judicial justices. These include improving judicial service, investigating complaints when necessary, and preparing a judicial code of ethics. In December 2014, the Judicial Council adopted the [Ethical Principles for Judges](#) published by the Canadian Judicial Council (CJC). It provides a general framework of values and considerations to guide judicial officers in their conduct.

For more information on the operation of the Provincial Court of British Columbia, please refer to the Court's [website](#) and the [Court's Annual Reports](#).

In 2019, the Judicial Council received **37** applications for appointment as a Provincial Court Judge, interviewed **21** applicants, and recommended **17** candidates for the bench.

MEMBERSHIP OF THE JUDICIAL COUNCIL

The members of the Judicial Council in 2019 were as follows:

- The Honourable Chief Judge Melissa Gillespie, Presiding Member;
- The Honourable Associate Chief Judge Susan Wishart, Alternate Presiding Member;
- The Honourable Judge Roy Dickey, President, Provincial Court Judges' Association of British Columbia (2019);
- Ms. Nancy Merrill, QC, President, Law Society of BC;
- Ms. Margaret Mereigh, President, Canadian Bar Association BC Branch;
- Ms. Patricia Schwartz;
- Mr. Gordon McRae;
- Mr. Patrick Kelly;
- Mr. Alan Kazuta.



Judicial Council of British Columbia 2019

Back row, left to right: Ms. Patricia Schwartz; Mr. Alan Kazuta; Judge Roy Dickey, Ms. Nancy Merrill, QC

Front row, left to right: Mr. Gordon McRae; Ms. Margaret Mereigh; Chief Judge Melissa Gillespie; Associate Chief Judge Susan Wishart

Not pictured: Mr. Patrick Kelly

The Honourable Chief Judge Melissa Gillespie

PRESIDING MEMBER

Appointed Chief Judge October 19, 2018

Chief Judge Melissa Gillespie was born and grew up in Calgary, Alberta. She obtained a Bachelor of Commerce from Queen's University in Kingston, Ontario in 1985, an LLB from the University of Toronto in 1989, and was called to the BC bar in 1991. For more than 20 years Chief Judge Gillespie served as Crown counsel in the Fraser region of British Columbia, working primarily in Surrey and New Westminster. In 2005 she became Regional Crown Counsel, and in 2009 she was appointed Queen's Counsel.

Chief Judge Gillespie was appointed to the Provincial Court in 2012, sat in Surrey and the Fraser Valley, and was appointed an Associate Chief Judge of the Provincial Court in 2016, Acting Chief Judge on May 7, 2018, and Chief Judge on October 19, 2018.

For many years she has represented the Court on the board of directors of the BC Justice Education Society (JES). Since 2015 she has travelled with JES to Guyana to provide ongoing education and training to police, prosecutors, and magistrates in order to strengthen the Guyanese justice system.

Chief Judge Gillespie also served on the BC Provincial Court Judges' Association executive and participated in a number of Court committees including the Criminal Law Committee. She is now a member of the Canadian Council of Chief Judges where she chairs its Court Performance Committee.

In addition, she has been involved in providing education for members of the judicial and legal communities including programs hosted by the Continuing Legal Education Society of BC, Trial Lawyers Association, the Advocates Society, Canadian Bar Association, Criminal Defence Advocacy Society, National Judicial Institute, and the Canadian Institute for the Administration of Justice.



The Honourable Associate Chief Judge Susan Wishart

ALTERNATE PRESIDING MEMBER

Appointed to the Judicial Council July 1, 2016

Associate Chief Judge Susan Wishart obtained a Masters of Science degree from Queen's University in 1990, followed by a law degree from the University of Victoria in 1994. Called to the BC Bar in 1995, her practice experience focused on criminal defence law. She was involved with the CBABC, serving as chair of the criminal section in Victoria for many years and was a member of its Executive Committee at the time of her appointment.

Associate Chief Judge Wishart was appointed to the Provincial Court of British Columbia in March of 2009, serving Victoria, Duncan, and the Western Communities. In November of 2014 she was elected president of the BC Provincial Court Judges' Association and in that capacity served as a member of the Judicial Council for the year 2015.

In May 2016, Judge Wishart was appointed Associate Chief Judge and re-appointed to the Judicial Council in July 2016. As Associate Chief Judge, she serves on various committees including access to justice initiatives, court technology, and business intelligence. She is also involved with the specialized courts across the province including Indigenous and First Nations sentencing courts, the Aboriginal Family Healing Court Conference child protection project in New Westminster, Drug Treatment and Downtown Community Courts in Vancouver, and Victoria Integrated Court.

The Honourable Judge Roy Dickey

PRESIDENT, PROVINCIAL COURT JUDGES' ASSOCIATION

Appointed to the Judicial Council January 1, 2019

Judge Roy Dickey was appointed to the Provincial Court of British Columbia in October 2010. He initially served the communities of Chilliwack and the Fraser Valley before moving his chambers to Salmon Arm and Kamloops. In the last few years he has served the Kamloops area and surrounding communities. In November 2018 he was elected President of the Provincial Court Judges' Association of British Columbia, and in that capacity has served on the Judicial Council during 2019.

Judge Dickey was raised in Chilliwack and attended Dalhousie University in Halifax. At Dalhousie he graduated with his undergraduate degree in 1982 and with his law degree in 1985. Judge Dickey was called to the bar in Nova Scotia in 1986 and to the bar in British Columbia in 1988. He initially practised in the Vancouver area as a personal injury lawyer and then as a criminal defence lawyer. He moved to Kamloops with his family in 2007. He then worked with Crown counsel for one and one-half years in Kamloops before his appointment to the bench.

Before his appointment, Judge Dickey served on the Board of Directors with the Delta Museum and Archives for six years, with Delta Community Living Society for 10 years, and with Phoenix Drug and Alcohol Recovery and Education Society for 25 years.

Ms. Patricia Schwartz

MEMBER

Appointed to the Judicial Council as a judicial justice December 31, 2010 - December 31, 2016; re-appointed as a member December 31, 2016

Patricia Schwartz has extensive experience in the Provincial Court of British Columbia, having served as the acting operations manager at the Office of the Chief Judge and as a judicial case manager before being appointed a judicial justice in 2001. She then presided in Traffic Court and at the Justice Centre, and also served as administrative judicial justice for a number of years until her retirement.

In the community, she has served on the board of directors for City Hall Daycare, the École Pauline Johnson After School Care program, and the Vancouver Skating Club. She attended Capilano University, has completed government management courses, and attended bi-annual seminars for judicial justices.

Ms. Schwartz retired after 35 years of working in the Provincial Court. She is proud to continue her work on the Judicial Council as a lay member.

Mr. Gordon McRae

MEMBER

Appointed to the Judicial Council November 7, 2016

Gordon McRae retired from the Royal Canadian Mounted Police (RCMP) in June 2009 after a 40 year career. He was appointed to the Immigration and Refugee Board in January 2010 and served until March 2016 as an adjudicator in the Refugee Protection Division and later the Refugee Appeals Division.

Before his retirement from the RCMP, Mr. McRae was the superintendent in charge of the economic crime section for British Columbia. Previously he served as an inspector for the North Vancouver Detachment, inspector for the economic crime section in Newfoundland and staff sergeant for the commercial crime section in Saskatchewan.

He was seconded to the United Nations in 2000 and served as the Canadian Contingent Commander and Director of Operations for the United Nations Mission in Kosovo (2000-2001).

Mr. McRae is a recipient of the Order of Merit for Police Forces (2007), the RCMP Long Service Medal, the Canadian Peace Keeping Medal, the United Nations Medal (Kosovo), and received the Deputy Commissioner's Commendation. Mr. McRae holds his Bachelor of Human Justice (Criminology) from the University of Regina.

"I am convinced that the citizens of British Columbia can rest assured that the Judicial Council safeguards the continuing quality of possible appointments, and hence, the quality of the Provincial Court of British Columbia."

- Judge Roy Dickey, President, Provincial Court Judges' Association

Mr. Patrick Kelly

MEMBER

Appointed to the Judicial Council
December 31, 2016

Patrick Kelly is a member of the Leq:amel First Nation in the Sto:lo Nation. He was appointed to the Judicial Council in December 2016 and as director of the BC Oil and Gas Commission in November 2018. He was also board chair and chief executive officer of the Coastal First Nations from 2000 to 2018.

Mr. Kelly operates a consulting business and was a senior advisor to a renewable energy company and to the Lieutenant Governor of BC. Previously, he was Director, Strategic Planning and Communications, British Columbia region with Indian and Northern Affairs Canada. In addition, Mr. Kelly was manager, Cultural Relations and Corporate Training in BC Hydro's Aboriginal Relations department and executive director of the BC chapter of the Canadian Council for Aboriginal Business.

Active in the community, Mr. Kelly is past board chair, Victoria Foundation, past president of British Columbia Golf, co-chair of the Indigenous Program Council of the Banff Centre, a member of the International Advisory Board of the University of Victoria Gustavson School of Business, and advisor to the Sauder School of Business, University of British Columbia.

In March 2019, Mr. Kelly was elected to the board of Golf Canada. He has held executive positions with the Mission Chamber of Commerce, the Mission Heritage Association, the Mission Indian Friendship Centre, and the Coqualeetza Cultural Centre. He is the founding president of the BC Aboriginal Golf Association. Previously, he served as a bencher to the Law Society of BC, a director of the BC Buildings Corporation, and a governor with Vancouver Community College. In 1982, he attended dinner with Queen Elizabeth II as a young achiever for Canada at the ceremony to repatriate Canada's constitution. In 2009, Mr. Kelly was the recipient of the BC Community Achievement Award.

Ms. Margaret Mereigh

PRESIDENT, CANADIAN BAR ASSOCIATION BC BRANCH

Appointed to the Judicial Council January
1, 2019

Margaret A. Mereigh served on the Judicial Council in her capacity as Canadian Bar Association (CBA) BC Branch President, 2018-2019.

Ms. Mereigh is senior appellate Crown counsel with 29 years' experience at the Ministry of Attorney General, BC Prosecution Service. During the past 15 years, she has represented and continues to represent the public interest in the most complex and high profile criminal appeals in the BC Court of Appeal and the Supreme Court of Canada. She particularly enjoys the intellectual process of reviewing a trial judge's charge to the jury in murder conviction appeals. She is also actively involved in the use of technology in the conduct of large electronic appeals.

Early in her career, Ms. Mereigh was trial counsel in *Gladue*, a case that would later become the Supreme Court of Canada's seminal decision on a just approach to sentencing aboriginal offenders.

Another highlight as a trial lawyer was Ms. Mereigh's six-year participation in the *Air India* trial. During this mega trial involving two acts of aviation terrorism, she dealt with informer privilege, protected witnesses, forensic accounting, and national and foreign policing agencies including CSIS and the FBI. The *Air India* prosecution team's dedication and hard work was recognized with the RCMP Commanding Officer's Unit Commendation (2011), the International Association of Prosecutors Special Achievement Award to the *Air India* Prosecution Team (2005), and the BC Premier's Award to the *Air India* Prosecution Team (2004).

Ms. Mereigh earned a Masters of Law degree from the London School of Economics and Political Science in 1995. She obtained her Bachelor of Laws degree in 1990 and her Bachelor of Arts degree in Political Science in 1987 from the University of British Columbia.

Ms. Mereigh is a committed CBA volunteer and the current BC Branch Past President, dedicated to CBA values, including equality and diversity within the legal profession. She has made outstanding contributions to the legal profession in her numerous roles for the CBA nationally (chair of National Standing Committee on Legislation and Law Reform and member of the Supreme Court of Canada Liaison Standing Committee, the Intervention Policy Review Committee, the National Criminal Justice Section Committee, the National Sections Council, the National Resolutions, Constitution and By Laws Committee, and the Membership Committee) and provincially (elected member of Provincial Council for Vancouver County, co-chair of the Governance Review Task Force, chair of the Audit Committee, chair of the Government Relations Committee, and member of the Advisory Committee to the Judicial Council of BC).

Ms. Mereigh has a long history of volunteerism within the legal profession and in the broader community. She served on the boards of Community Legal Assistance, the UBC Law Students' Legal Advice Program and as the President of the Canadian Mental Health Association (Vancouver and Burnaby Branch and later Vancouver–Fraser Branch). In recognition of her leadership and efforts to reduce stigma in mental health, she received the Canadian Mental Health Association Volunteer Leadership Award (2015).

Ms. Nancy Merrill, QC

PRESIDENT, LAW SOCIETY OF BC

Appointed to the Judicial Council January 1, 2019

Nancy Merrill was born and raised in Windsor, Ontario and moved with her family as a teenager to Niagara Falls, Ontario. She graduated with a degree in psychology from the University of Waterloo, a law degree from the University of Windsor, and a master's degree in tax law from Osgoode Hall Law School. Ms. Merrill was called to the Ontario bar in 1990 and the British Columbia bar in 1991. For over 25 years, she has been a partner with Merrill, Long and Company in Nanaimo, where she practises predominately in the areas of family law, estate litigation, and mediation and arbitration. Ms. Merrill also worked as a federal prosecutor in Ontario when she returned to complete her master's degree. She currently sits on the Health Professions Review Board.

Throughout her career, Ms. Merrill has consistently worked on a variety of community boards and committees. This work has reflected the diversity of her interests, from protection of animals with the Society for the Prevention of Cruelty to Animals, of which she remains a life member, to working on a number of legal projects dealing with rights of children. This includes her most recent work, which is an international project in conjunction with the Canadian Embassy in Havana, Cuba focusing on rights of children.

Ms. Merrill is a life bencher of the Law Society of British Columbia and is its past president (2019). She received her Queen's Counsel designation in 2015 and is the 2019 recipient of the University of Windsor Alumni Access to Justice Award.

Mr. Alan Kazuta

MEMBER

Appointed to the Judicial Council November 15, 2018

Alan Kazuta retired as director, human resources at Western Canadian Coal Corporation. His previous assignments were with Westshore Terminals Ltd. and White Spot Limited. Mr. Kazuta has worked in the human resources/labour relations (HR/LR) field for over 30 years with many of those years in the most senior HR/LR position in the applicable company. He was responsible for all aspects of HR/LR including recruitment, training, compensation, benefits, and collective bargaining.

He has represented the companies as the chief negotiator in collective bargaining in both the provincial and federal sectors as well as being the company representative in provincial and federal labour board and arbitration hearings. Mr. Kazuta also served on the BC Labour Relations Board as a part time management representative on mediation and adjudication hearings.

He currently serves as president/treasurer of Canada Shotokan Karate Society and as a board member for Shotokan Karate of America. Mr. Kazuta obtained a Bachelor of Commerce degree from the University of BC in the Organizational Behaviour and Industrial Relations discipline.



MEETING SCHEDULE AND BUSINESS CONDUCTED

The Judicial Council's process is governed by a [Procedure Bylaw](#) adopted in 2001. The Council meets once a month to review applications for appointment as a Provincial Court judge, judicial justice, or justice of the peace and to interview applicants who have been approved for interview.

In the Judicial Council's January 2019 meeting, the Honourable Judge R. Dickey, Ms. Margaret Mereigh, and Ms. Nancy Merrill, QC were introduced as new members.

In February, Mr. Patrick Kelly presented "Canada's Indigenous People: An Overview" to the Judicial Council and the CBA Judicial Advisory Committee who provide reports to the Judicial Council. The objectives of the training were to:

- know key characteristics of Indigenous people;
- know the background to major Indigenous issues and initiatives to resolve them;
- know key elements of major court decisions on Aboriginal rights issues;
- know background to treaties and treaty making in Canada and BC.

In October, the Judicial Council met with the CBA Judicial Advisory Committee and discussed the content and importance of the Advisory Committee's reports. The Council was able to answer the questions of newer Committee members.

Members of the Judicial Council continuously speak to legal organizations about the work of the Council and strongly encourage qualified candidates from all backgrounds to consider making an application for judicial office.

"Chief Judge Gillespie provides an environment that encourages all Judicial Council members to participate and ensures everyone has a voice. We have a healthy, open discussion regarding the candidates. Council members do not always agree on the suitability of the candidates, which makes the Council operate as it should as we all have our own perspectives."

- Alan Kazuta, Member

APPOINTMENT PROCESS FOR PROVINCIAL COURT JUDGES

Judges are appointed to the Provincial Court by the Lieutenant Governor in Council (LGIC) on the recommendations made to the Attorney General by the Judicial Council, in accordance with section 6 of the *Provincial Court Act*. The process of making a recommendation begins with the Judicial Council receiving an application and proceeds to a rigorous examination of an applicant's professional standing, reputation, abilities, and other relevant factors. Visit the [Provincial Court website](#) for more information on the appointment process.

The *Provincial Court Act* gives the Judicial Council the objective of improving the quality of judicial service. Therefore, the approval process must ensure that only the most exceptional applicants, who are unquestionably capable of meeting the demands of judicial service, are recommended for appointment. The Council has identified a set of criteria and competencies for applicants seeking appointment as a Provincial Court judge.

Criteria:

- At least 10 years in the practice of law or a range of related experience
- Superb legal reputation and a professional record review from the Law Society of British Columbia
- Experience in mediation or alternative dispute resolution
- Respect in the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Knowledge and technical skills
Conscientiousness, commitment to high standards
- Decision-making
Decisiveness, confidence, courage, independence, impartiality
- Communication and authority
Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline
- Professionalism and temperament
Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility
- Effectiveness
Commitment to public service, commitment to efficient administration, self-discipline
- Leadership and management for judges holding administrative positions
Responsibility, imagination, commitment to efficient administration

Application and Approval Process

APPLICATION

The Judicial Application and Reporting System (JARS), launched on September 5, 2017, is the first in Canada to replace all paper forms and documents in the judicial application process with an online system. Applicants can access the application forms and process summaries at: <https://apply.provincialcourt.bc.ca/>.

Once an application is submitted, an extensive investigation follows. The Council strives to ensure that applicants understand and consent to this.

RE-APPLICATION

An applicant is eligible to re-apply for appointment three years from the date they submitted their application or 2.5 years from the date of their interview (if an interview was granted). It is common for applicants to re-apply at least once before being appointed by the LGIC. Interviewed applicants must advise the Council if at any time they wish to withdraw their application.

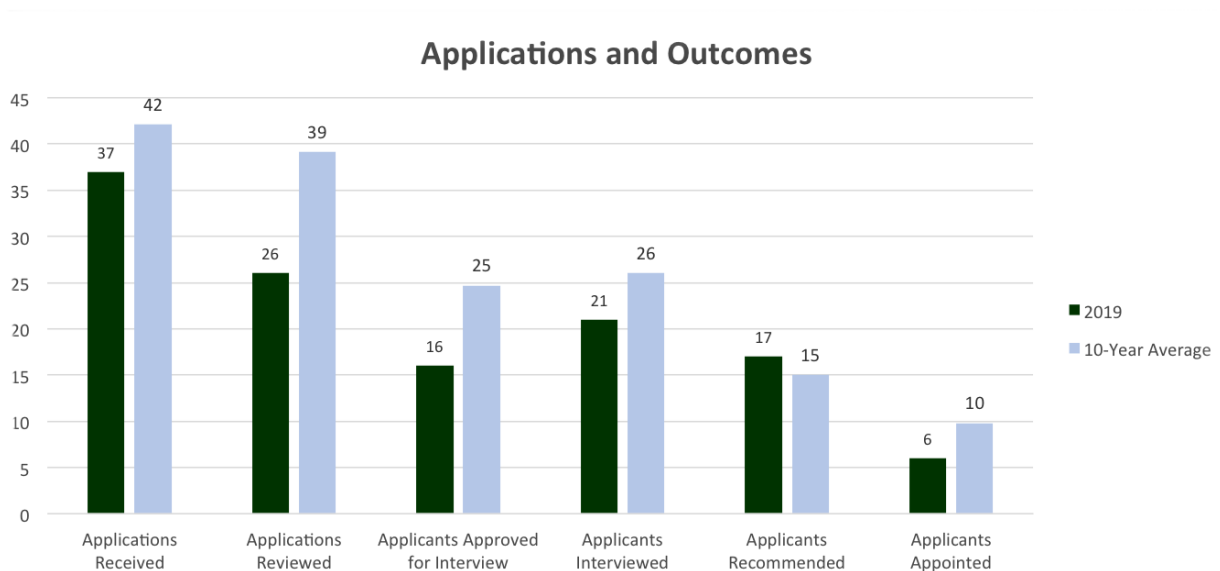
APPLICATIONS AND OUTCOMES

In 2019, the Council received 37 applications for Provincial Court judge and reviewed 26. The Council approved 16 applications for interview, interviewed 21 (including some carried over from 2018), and recommended 17 for full-time appointment. Six full-time Provincial Court judges were appointed in 2019.

These figures reflect the Council’s activities in the 2019 year, but may include reviews, interviews, or appointments of candidates who applied in previous years. Details are included in this report’s following sections and further analyzed in [Appendix A](#).

Figure 1 shows a comparison between 2019 figures and the 10-year average for applications for appointment as a Provincial Court judge (PCJ). Note that slight numerical discrepancies may exist due to figures being rounded to whole numbers.

Figure 1: Applications and Outcomes (2019 and 10-Year Average)



Over the 10-year period from 2010 to 2019, the Council received an average of 42 applications a year for appointment as a judge. The Council reviewed an average of 39, approved an average of 25 for interview, interviewed an average of 26 (62% of applicants) and of those, recommended an average of 15 applicants (36% of total applicants).

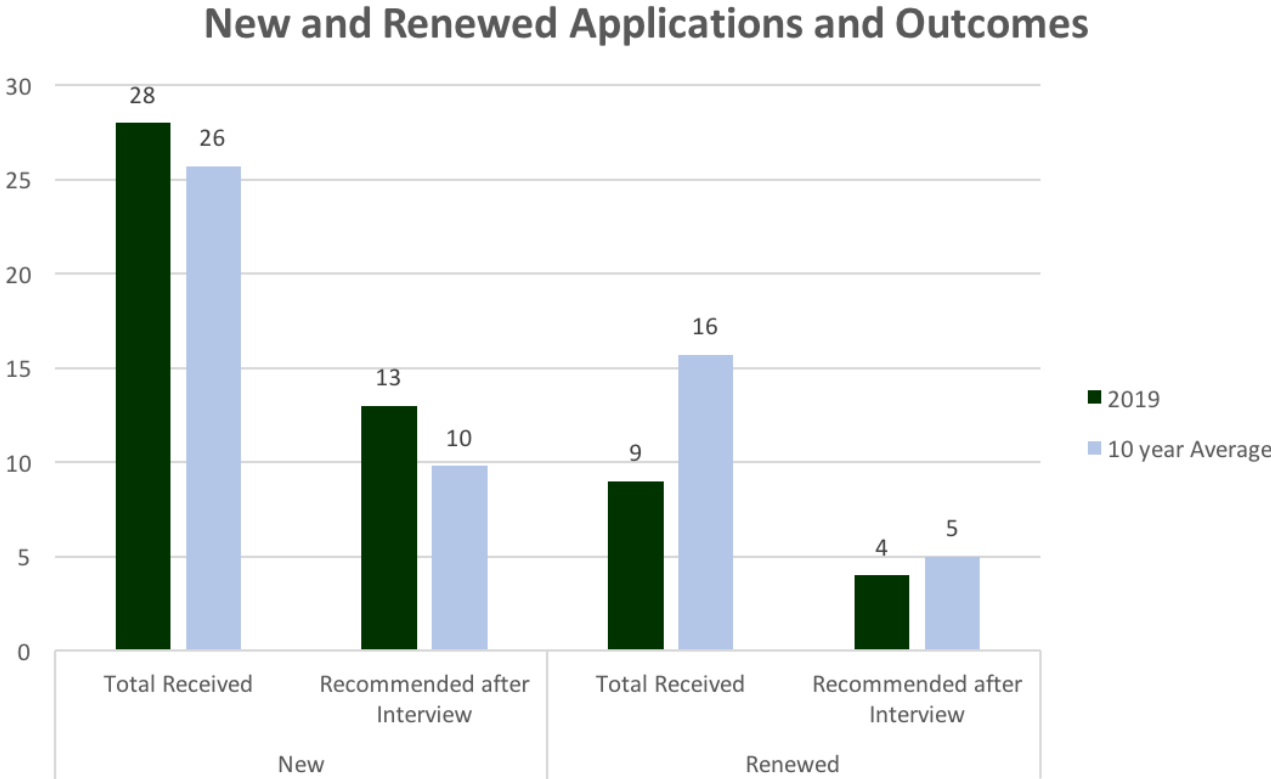
While six judges were appointed in 2019, over the past 10 years, an average of ten Provincial Court judges have been appointed each year, constituting approximately 24% of the average number of total applicants.

Appendix A: Analysis of Applications to the Judicial Council provides complete tables of data on all applications submitted within the last 10 years. It includes details on the number of applicants, the progression through the review process, and various demographic factors. Improvements have recently been made to the database to capture more precise data. As a result, the figures may not match those of previously published reports. See **Figure A.1** for the yearly data.

NEW AND RENEWED APPLICATIONS

Applicants may re-apply three years from the date they submitted their application; those who are interviewed but not appointed are eligible to re-apply 2.5 years from the date of their interview. Over the past decade, the Judicial Council received an average of 26 new applications and an average of 16 renewed applications. On average over this 10-year period, the Council recommended 38% of new applications compared to 31% of renewed applications.

Figure 2: New and Renewed Applications and Outcomes (2019 and 10-Year Average)



The number of renewed applications from previously unsuccessful applicants in 2019 (nine) was identical to renewed applications in 2018. In both 2018 and 2019 that number was lower than the 10-year average. (“Unsuccessful” applicants include those who are not granted an interview, as well as those interviewed but not recommended or appointed.) The Council recommended four such applicants for appointment in 2019. See [Figure A.2](#) for a complete list of figures for new and renewed applications by year.

APPLICANTS RECOMMENDED

In 2019, there was an average of 23 candidates each month on the list of applicants recommended for appointment. As of December 31, 2019, there were 27 candidates on the list: 14 men and 13 women.

GENDER

In 2019, the number of female and male applicants was roughly equal. The number of female applicants (19) increased from last year and rose slightly above the 10-year average of 18. The number of females reviewed, approved for interview, and appointed was below the 10-year average while the number interviewed and recommended for appointment was either equal to or above the average.

The number of male applicants in 2019 (18) increased compared to the previous year but remained below the 10-year average of 24. The number of males reviewed, approved for interview, and interviewed in 2019 was below the 10-year average. The number of males recommended for appointment and appointed remained equal to the average.

In 2019, one woman and five men were appointed to the bench compared to eight women and seven men in 2018.

Figure 3 shows applicants and outcomes by gender in 2019. Note that applications reviewed and approved for interview may have been submitted in the preceding year while those applicants who were interviewed and recommended for appointment in 2019 may have submitted their applications in preceding years.

Figure 3: Male and Female Applicants and Outcomes in 2019

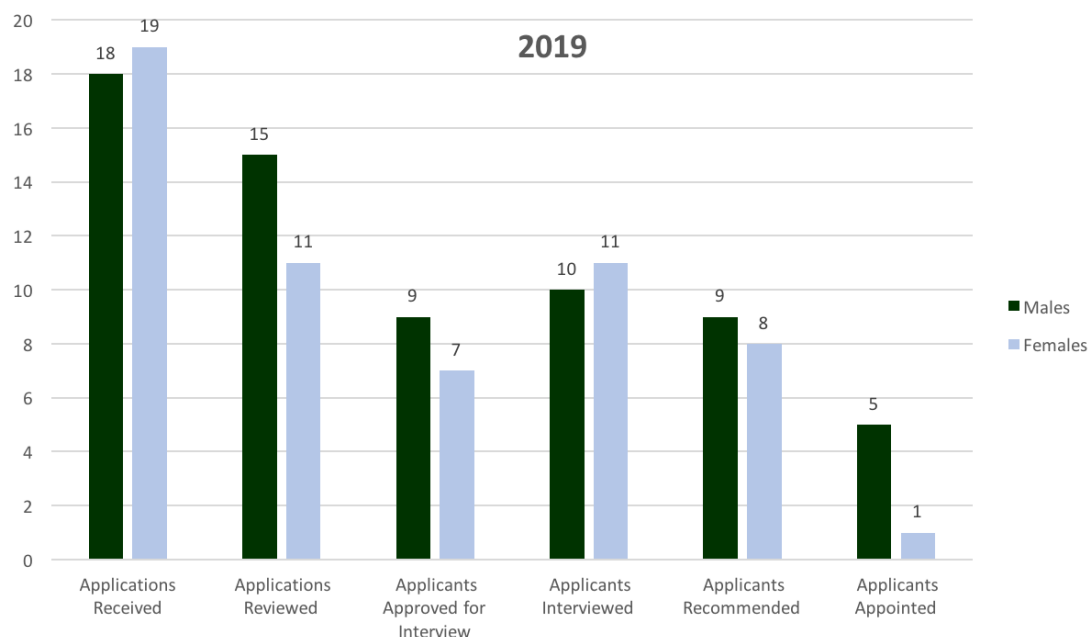
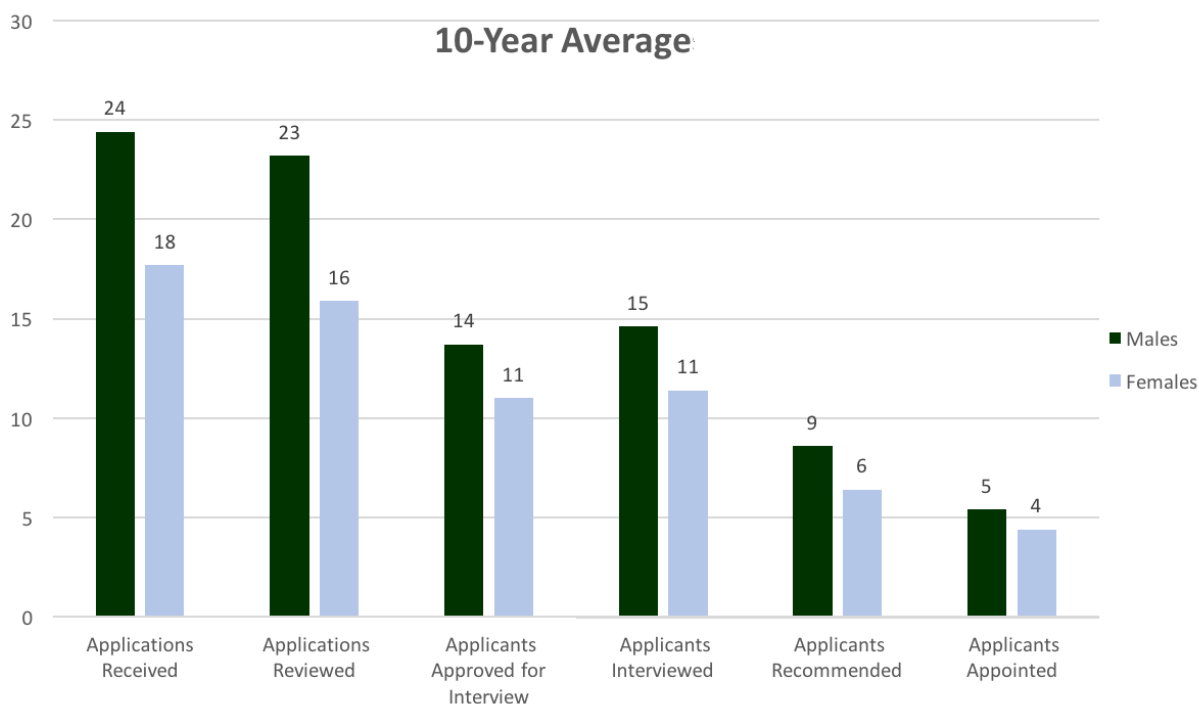


Figure 4 shows 10-year averages for applicants and outcomes by gender. Over the past five years, 29 women and 28 men have been appointed to the Provincial Court bench.

Figure 4: Male and Female Applicants and Outcomes – 10-Year Average



AGE, YEARS, AND AREA OF PRACTICE

The average age of applicants to the Court in 2019 was 51 years for women and 56 years for men. Over the past decade, applicants had an average age of 52 years, with 51 years for women and 54 years for men. See [Figure A.3](#) for a complete list of figures.

Applicants in 2019 had an average of 24 years in the practice of law: 22 years for females and 26 years for males. From 2010 to 2019 they had an average of 22 years of practice: 21 years for females and 24 years for males. See [Figure A.4](#) for a complete list of figures for the last 10 years.

Applicants to the Court have varied legal experience including private practice, Crown counsel, and other types of legal work. In 2019, applications from private practice accounted for 49% of the total number of applications, Crown counsel formed 38%, and applications from other areas formed only 13%. See [Figure A.5](#) for a complete table of figures for the last decade.

APPLICANTS AND NEW APPOINTMENTS BY REGION

The Provincial Court is organized into five geographical regions, in addition to an OCJ region comprised of isolated communities not serviced by other regional centres. Figure 5 demonstrates the number of full-time applications received and appointed from each of the Court’s regions.

In 2019, six judicial applicants were appointed to the Court as Provincial Court judges: one to the Vancouver region, two to the Fraser region, one to the Northern region, and two to the Interior.

Figure 5: Applicants and Appointments by Region

			Vancouver	Fraser	Northern	Vancouver Island	Interior	OCJ Region	Outside BC
2019	Applicants	#	11	10	6	7	3	0	0
		%	30%	27%	16%	19%	8%	0%	0%
	Appointments	#	1	2	1	0	2	0	0
		%	17%	33%	17%	0%	33%	0%	0%
2018	Applicants	#	7	10	3	3	4	0	0
		%	26%	37%	11%	11%	15%	0%	0%
	Appointments	#	0	9	4	0	2	0	0
		%	0%	60%	27%	0%	13%	0%	0%
2017	Applicants	#	20	12	7	12	9	0	1
		%	32%	20%	11%	19%	15%	0%	2%
	Appointments	#	0	5	2	1	5	1	0
		%	0%	36%	14%	7%	36%	7%	0%
2016	Applicants	#	9	9	8	6	8	0	1
		%	22%	22%	20%	15%	20%	0%	2%
	Appointments	#	1	3	1	3	1	0	0
		%	11%	33%	11%	33%	11%	0%	0%
2015	Applicants	#	7	10	3	2	5	0	0
		%	26%	37%	11%	7%	19%	0%	0%
	Appointments	#	1	6	2	1	1	2	0
		%	8%	46%	15%	8%	8%	15%	0%
2014	Applicants	#	15	7	5	11	10	0	2
		%	30%	14%	10%	22%	20%	0%	4%
	Appointments	#	1	2	1	1	0	1	0
		%	17%	33%	17%	17%	0%	17%	0%
2013	Applicants	#	21	4	5	8	8	0	0
		%	46%	9%	11%	17%	17%	0%	0%
	Appointments	#	1	4	0	2	3	0	0
		%	10%	40%	0%	20%	30%	0%	0%
2012	Applicants	#	13	4	4	8	5	0	1
		%	37%	11%	11%	23%	14%	0%	3%
	Appointments	#	0	5	4	1	1	0	0
		%	0%	45%	36%	9%	9%	0%	0%

DIVERSITY

The Judicial Council recognizes the importance of having a judiciary that reflects British Columbia's diverse population. Not only does diversity on the bench eliminate an implicit barrier to under-represented groups applying for judicial appointment, but it also strengthens the fairness of the bench and enhances public confidence in the administration of justice. The Council believes that cultural representation on the bench encourages mutual respect, as well as sensitivity to and understanding of those who appear before judicial officers in Court.

In 2012, the Chief Judge, as presiding member of the Judicial Council, requested the assistance of the Canadian Bar Association BC Branch and the Law Society of British Columbia to encourage a broad range of applicants for judicial office in the Provincial Court of British Columbia. The Council's aim is to strengthen the Court by ensuring there is a diverse pool of highly qualified applicants, reflective of the general population in the province, from which the Lieutenant Governor in Council (LGIC) can appoint judicial officers. To this end, the Council acknowledges the work of the Law Society of British Columbia and, in particular, the June 2012 report of the Canadian Bar Association (CBA) BC Branch's Equality and Diversity Committee, [Towards a More Diverse Legal Profession: Better practices, better workplaces, better results](#).

At its 2013 annual meeting, the CBA Judicial Advisory Committee recognized the Judicial Council of British Columbia's yearly publication of statistics on applications for appointment to the Provincial Court as a good model of transparency. The CBA cited the Judicial Council's annual reports when it passed a [resolution](#) calling for Canada's Minister of Justice to make appointments that reflect the diverse nature of the Canadian population by including persons of different genders, ethnicities, visible minorities, and Indigenous applicants.

The Council's first step in encouraging a diverse range of applicants was to be as transparent and open as possible about the process while preserving the need for confidentiality. Its second step was to invite CBABC and the Law Society to encourage their members to apply. Following his 2012 letter, Chief Judge Crabtree spoke at information sessions for the BC bar about building diversity on the bench and encouraged other Provincial Court judges to make similar presentations. Chief Judge Gillespie has continued to speak about this. The Council's third step, which is ongoing, is to highlight the results in terms of applicants' diverse backgrounds.

In June 2013, the Judicial Council amended its judicial application forms to invite applicants to include, on a voluntary basis, their ethnic or cultural information. In 2014, the collection of this information commenced.

In 2019, 12 of 37 applicants provided information on their ethnic or cultural backgrounds. Three were of Aboriginal heritage, four indicated an ethnic or visible minority background, and eight identified themselves as being part of a diverse group. An applicant may respond to one or more of the questions, resulting in the total number of responses being greater than the number of applicants.

Visible minority and diverse groups identified by applicants included: First Nations; persons of colour; origin or heritage specified by country; LGBTQ; and specified religious heritage. The Judicial Council notes these answers in its overall assessment of applicants but does not assign a specific weight to them.

The Judicial Council will continue to review and revise its processes to encourage a wide cultural range of applicants and to make merit-based recommendations that reflect the diversity of British Columbia's population. Figure 6 summarizes the responses received from 2014 to 2019.

Figure 6: Diversity Responses in Judicial Applications (2014–2019)

Diversity		Aboriginal	Ethnic/Visible Minority	Diverse Group
2019	Total	3	4	8
	M	1	0	2
	F	2	4	6
2018	Total	3	11	8
	M	1	5	4
	F	2	6	4
2017	Total	3	10	7
	M	3	5	4
	F	0	5	3
2016	Total	4	9	4
	M	3	4	1
	F	1	5	3
2015	Total	0	5	6
	M	0	2	3
	F	0	3	3
2014	Total	2	11	5
	M	0	3	2
	F	2	8	3

Alan Kazuta

MEMBER

Appointed to the Judicial Council November 15, 2018

It was a great honour to be appointed to the Judicial Council. Although I have extensive experience in human resources and in interviewing candidates for a variety of positions, initially I was a little apprehensive about joining the Council since I have no background in the judicial system. As I suspected, there was a learning curve in comprehending the duties and responsibilities of the various positions: Provincial Court judge, judicial justice, and justice of the peace, let alone understanding the vernacular, acronyms, etc., involved. With the assistance of fellow Council members, I have gained much insight in understanding the legal jargon and how the judicial system operates. However, I am still learning.

I have found the work of the CBA Judicial Advisory Committee invaluable. In HR I have always emphasized the importance of reference checking so I am envious of the resources the Judicial Council has in conducting extensive screening by the CBA report writers and external references. A combination of the extensive screening process and in person candidate interviews is required to assess the candidates' suitability for the position applied for.

Preparation for the monthly meetings requires heavy reading and analysis. Not all references see the candidates in the same light. Interviewees are given ample opportunity to express themselves and ask any questions they may have for the Council.

Chief Judge Gillespie provides an environment that encourages all Judicial Council members to participate and ensures everyone has a voice. We have a healthy, open discussion regarding the candidates. Council members do not always agree on the suitability of the candidates, which makes the Council operate as it should as we all have our own perspectives.

The work of the Judicial Council is an important aspect of ensuring the citizens of British Columbia can be confident that the candidates recommended for appointments by the Attorney General are a result of an extensive vetting process. Personally, the experience of being on the Council has been enlightening and rewarding.



APPOINTMENT PROCESS FOR JUDICIAL JUSTICES

In addition to judges, judicial justices are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council. Judicial justices are assigned by the Chief Judge to preside over matters within their statutory jurisdiction, including traffic and other ticketable offences, payment hearings in small claims court, and applications for bail and search warrants at the Justice Centre. Some judicial justices may have assignments that include hearing some municipal bylaw matters. For more information about the appointment process, visit the [Provincial Court website](#).

Application and Appointment Criteria

Applications for the office of judicial justice may be submitted at any time or may be solicited by a recruitment campaign for a specific vacancy.

Applicants for appointment as a judicial justice must meet the following:

Criteria:

- At least five years having practiced law in Canada (those with less legal practice experience may be considered if they have a range of related experience)
- Superb legal reputation and professional record review(s), including from applicable Law Society
- Experience in mediation or alternative dispute resolution
- Respected and valued member of the community
- Good health
- Appreciation of and experience with diversity
- Willingness to travel and to sit in all subject areas

Competencies:

- Commitment to continuing education
Conscientiousness, commitment to high standards
- Decision-making
Decisiveness, confidence, courage, independence, impartiality
- Communication and authority
Firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline
- Professionalism and temperament
Capacity to handle stress and isolation of judicial role, sense of ethics, patience, honesty, tolerance, consideration of others, personal responsibility
- Effectiveness
Commitment to public service, commitment to efficient administration, self-discipline
- Leadership and management for judicial justices holding administrative positions
Flexibility, responsibility, imagination, commitment to efficient administration
- Fairness, diplomacy, some administrative experience preferred

Role of the Judicial Council in the Appointment of Judicial Justices

When received, applications are reviewed in a process similar to that for judges. The application and investigation results are reviewed by the Council to decide whether the applicant will be interviewed. The Council then invites successful candidates to attend an interview. Names of applicants recommended for appointment after an interview remain on the list for three years. Applicants are eligible to re-apply three years after the date their application is submitted or 2.5 years from the date of their interview. Application forms and process summaries for judicial justices can be accessed at: <https://apply.provincialcourt.bc.ca/>.

In 2019, 15 applications were received, four applicants were interviewed, three were recommended for appointment, and three were appointed.



APPOINTMENT PROCESS FOR JUSTICES OF THE PEACE

Justices of the peace fill several important functions within the British Columbia justice system, ranging from adjudicating specific types of cases to managing and scheduling caseloads. More than 300 justices of the peace serve in various court locations throughout the province. All are subject to the supervisory authority of the Chief Judge and are appointed by the Lieutenant Governor in Council on the recommendation of the Judicial Council. For more information about the appointment process, visit the [Provincial Court website](#).

There are three kinds of justices of the peace, each with different assignments:

- **Justice of the peace adjudicators (JPAs)** preside at the Robson Square and Richmond court locations, hearing simplified trials in small claims cases involving from \$5,001 to \$10,000. JPAs are senior members of the legal profession who serve part time.
- **Judicial case managers (JCMs)** are judicial officers who manage cases and schedule hearings and trials. They are assigned responsibilities by the Chief Judge. Applications for appointment as a JCM proceed through the Judicial Council approval process for justices of the peace.
- **Court Services Branch justices of the peace (CSBJPs)** work in the court registries throughout the province. In addition to the justice of the peace duties assigned by the Chief Judge, they hold various administrative positions in the Court Services Branch of the Ministry of Attorney General, such as court manager, administrator, and court clerk. There are also CSBJPs assigned to the Justice Centre in Burnaby.

Duties assigned to CSBJPs include:

- Swearing informations, issuing process including summonses, warrants of arrest, and subpoenas to witnesses;
- Attending to various judicial authorizations made by judges and judicial justices after execution, including deciding on the detention of seized property;
- Approving sureties, perfecting bail, handling consent remands; and
- Generally, performing other duties required of a "justice" under the *Criminal Code* that are primarily administrative in nature and do not require the exercise of material judicial discretion.

In 2019, the Judicial Council reviewed 21 applications for appointment as a Court Services Branch justice of the peace and recommended all 21 applicants for appointment.

JUDICIAL EDUCATION

The Judicial Council is responsible for and fully supports continuing education for judicial officers of the Court. Continuing education is provided in different ways, including orientation for newly appointed judicial officers, informal mentoring, and a variety of education programs delivered within the Court. Judicial officers are also encouraged to attend education programs offered by other organizations to supplement their continued learning.

The Council delegates the authority to develop and manage the Court's education programs for each type of judicial officer to several committees. The Office of the Chief Judge provides administrative and support services to these committees. The annual report of the Provincial Court of British Columbia contains details of the Court's education programming for judges, judicial justices, and other judicial officers. For more information, please see the most recent [Annual Report](#) of the Provincial Court of British Columbia and the [Judicial Education](#) page on the Court's website.



Nancy Merrill, QC

PRESIDENT, LAW SOCIETY OF BC (2019)

Appointed to the Judicial Council January 1, 2019

The work of the Judicial Council plays a vital role in the function of the Provincial Court.

The rigorous, transparent, and thorough applicant screening process produces only the best candidates for Provincial Court. Those candidates must demonstrate a strong legal mind, compassion, patience, fairness, and cultural competency.

The Judicial Council reviews each application carefully and thoroughly, paying particular attention to diversity. This in turn makes for a judiciary more reflective of the citizenry of British Columbia, and we are better for it.

The Council members themselves come from diverse backgrounds. This dedicated and committed group is chaired by Chief Judge Melissa Gillespie who works tirelessly to ensure the judicial selection process is fair, transparent, and efficient.

The people of British Columbia are well served by the work of the Judicial Council.



“The Judicial Council reviews each application carefully and thoroughly, paying particular attention to diversity. This in turn makes for a judiciary more reflective of the citizenry of British Columbia, and we are better for it.”

–Nancy Merrill, QC, President, Law Society of BC (2019)

JUDICIAL ETHICS

The Judicial Council is responsible for preparing and revising a judicial code of ethics. Judicial ethics provide a general framework of values and considerations to guide judicial officers in their judicial conduct.

The Provincial Court of BC was among the first courts in Canada to adopt a code of ethics. In 1976, judges of the Court prepared a code of judicial ethics that was adopted by the Judicial Council and reviewed from time to time. More recently, both the Judicial Council and the Court's judiciary felt that as our society evolved, the principles guiding judicial behaviour should be reviewed.

Following discussions with judges and judicial justices, in December 2014 the Judicial Council adopted the [Ethical Principles for Judges](#), published by the Canadian Judicial Council, as the guiding principles for the judicial officers of the Provincial Court. These guidelines are based on five fundamental principles for judicial conduct: integrity, independence, equality, diligence, and impartiality. As there has been broad consultation in the last year, an updated version of the document is expected.

Guidelines for the conduct of justices of the peace are found in the [Justice of the Peace Code of Ethics](#) and for judicial case managers in the [Standards of Conduct](#).



COMPLAINTS

Under the *Provincial Court Act*, the Chief Judge has the authority and the duty to supervise the Court's judges, judicial justices, and justices of the peace. The Chief Judge, under section 22.1(1) of the *Act*, must examine all complaints respecting judicial officers and report the result of the examination, in writing, to the complainant and the judicial officer.

The *Act* also requires, under section 22.1(2), that the Chief Judge conduct an investigation of the fitness of a judicial officer to perform his or her duties when the Chief Judge considers that an investigation is required, or if directed to do so by the Attorney General. The result of an investigation may include corrective action or an order for an inquiry to determine whether the judicial officer is fit to perform her or his duties.

In the event that the Chief Judge or the Attorney General directs an inquiry into the fitness for office of a judicial officer, the judicial officer may elect, under section 24 of the *Act*, to have the Judicial Council act as the tribunal for that inquiry. The alternative tribunal is a justice of the Supreme Court, designated by the Chief Justice of the Supreme Court.

The Judicial Council's role in public complaints involving judicial officers also helps it fulfill its responsibility to improve the Court's judicial services. As presiding member, the Chief Judge reports to the Council regarding complaints that may affect the overall quality of judicial service. Complaints can demonstrate a need for judicial education on a particular topic.

Complaints may be submitted in one of three ways:

1. Using the secure online complaint form on the [Complaints](#) page on the Court's website.
2. By letter addressed to the Chief Judge of the Provincial Court of British Columbia and faxed to 604-660-1108.
3. By letter addressed and mailed to:

The Chief Judge of the Provincial Court of British Columbia
337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5

The Judicial Council may conduct a formal inquiry into the fitness for office of a judicial officer if the first two stages of the complaint process, examination and investigation, fail to conclude the matter. In 2019, no such formal inquiries were held by the Judicial Council. Further information regarding the complaint process is outlined on the [Provincial Court website](#) and in the Court's [Annual Reports](#), where complaints received and action taken are summarized.

The Honourable Judge Roy Dickey

PRESIDENT, PROVINCIAL COURT JUDGES' ASSOCIATION

Appointed to the Judicial Council January 1, 2019

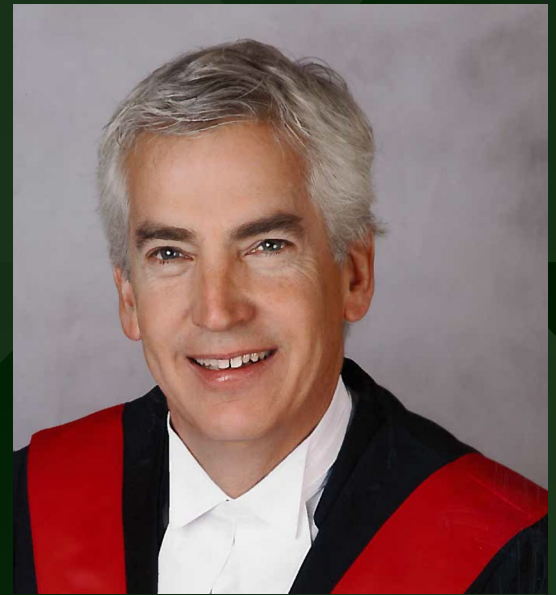
I was honoured to sit on the Judicial Council as the representative of the Provincial Court Judges' Association of British Columbia. The members of the Judicial Council are extremely hardworking and dedicated to ensuring that only the best candidates are approved for possible appointment. Personally, I was very impressed with the quality of candidates interviewed and appointed during my year. I am convinced that the hard work and dedication of the Council members will ensure the continued quality of the court.

The Judicial Council members are tasked with the responsibility of determining which applicants should be approved for possible appointment as judicial justices and Provincial Court judges. This responsibility is taken very seriously by the Council members who understand that the approval of candidates is critical in ensuring the ongoing quality of the Provincial Court. It is extremely important that the appointment process ensures the continued quality of the Provincial Court in providing legal services to the citizens of British Columbia.

The assessment by the Judicial Council members of candidates goes far beyond a determination of a candidate's legal knowledge. Strong consideration is given to an applicant's judicial demeanor. The Council members attempt to determine how an applicant will treat all members of the public and other members of the court team. The Judicial Council will attempt to determine whether an individual has the requisite skills and qualities to be a good judge or justice, which often requires a consideration of a person's ability to remain fair, impartial, calm, respectful, and the ability to be a good listener, even in the most difficult of circumstances.

I would like to acknowledge and express my gratitude to the staff at the Office of the Chief Judge, who work very hard in providing the Council members with material on candidates for our consideration. Further, I would like to thank the persons from the Canadian Bar Association who work incredibly hard and put in long hours in writing reports on candidates for our review. This material is extremely helpful in our deliberations, making our jobs easier and our decisions more sound.

I am very thankful for the opportunity to have participated in and observed this process. I am convinced that the citizens of British Columbia can rest assured that the Judicial Council safeguards the continuing quality of possible appointments, and hence, the quality of the Provincial Court of British Columbia.



FINANCIAL EXPENSES INCURRED BY THE JUDICIAL COUNCIL

Administrative support, boardroom, and catering expenses are provided to the Judicial Council by the Office of the Chief Judge, Provincial Court of British Columbia.

Non-judicial members of the Judicial Council are eligible to be paid honoraria for attending meetings in person. There were 14 meetings in 2019. The following table details the meeting honoraria paid to the members of the Judicial Council in 2019.

Figure 7: Remuneration for the Judicial Council Members (2019)

Name	Allowable Honorarium Per Meeting	Meetings Attended	Total Remuneration
The Honourable Chief Judge M. Gillespie	\$0	14	\$0
The Honourable Associate Chief Judge S. Wishart	\$0	14	\$0
The Honourable Judge R. Dickey	\$0	13	\$0
Ms. P. Schwartz*	\$250/\$125	12	\$2,750
Ms. N. Merrill, QC*	\$250/\$125	10	\$2,375
Ms. M. Mereigh*	\$250/\$125	12	\$2,500
Mr. G. McRae*	\$250/\$125	14	\$3,125
Mr. P. Kelly*	\$250/\$125	12	\$2,625
Mr. A. Kazuta*	\$250/\$125	12	\$2,625

* Non-judicial members of the Judicial Council receive an allowable honorarium of \$250 for a full-day meeting and \$125 for a half-day meeting

OTHER MATTERS

The Judicial Council is responsible for reporting to the Attorney General on matters the Attorney General considers necessary. No such matters were raised for action in 2019.

PUBLIC ACCESS TO THE JUDICIAL COUNCIL

Any member of the public who has a question relating to the Judicial Council of BC or the judicial candidate application process, whether arising from this report or for any other reason, may send it in writing by one of the following:

Fax: (604) 660-1108

Mail: Judicial Council of British Columbia
337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5

Acknowledgements

- Judge Clifford MacArthur (retired), Judicial Council photo, [page 6](#)
- Judge Ann Rounthwaite (retired), editing
- Sue Chiu, Digital Production
- Rebecca Jensen, Administrative Coordinator

APPENDIX A: ANALYSIS OF APPLICATIONS TO THE JUDICIAL COUNCIL

Applications and Outcomes

Figure A.1 shows the data for all applications, interviews, and recommendations for appointment by the Judicial Council of British Columbia over a 10-year period. It demonstrates trends in application rates and a comparison of candidate approval rates. These figures reflect the Council’s activities in the calendar year specified and may also include reviews and interviews of applicants carried over from the previous year. Therefore, they do not reflect the results of applications made in a single year.

Figure A.1 shows that the 2019 totals fall below the 10-year averages in all areas except applicants recommended for appointment. The average annual number of applications received per year for the last decade is 42, slightly above the 2019 total of 37. The average annual number of applications reviewed for interview over the last 10 years is 39. On average, 64% of the reviewed applications, or 25 applicants per year, were approved for an interview.

Figure A.1: Applications for Appointment as a Provincial Court Judge (2010 – 2019)

Year	Applications Received			Applications Reviewed			Applicants Approved for Interview			Applicants Interviewed			Applicants Recommended			Applicants Appointed		
	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F	Total	M	F
2019	37	18	19	26	15	11	16	9	7	21	10	11	17	9	8	6	5	1
2018	27	14	13	46	25	21	29	12	17	34	19	15	18	9	9	15	7	8
2017	63	41	22	57	31	26	36	20	16	27	14	13	14	7	7	14	4	10
2016	43	23	20	30	19	11	24	14	10	24	15	9	11	5	6	9	6	3
2015	27	13	14	35	13	22	23	9	14	27	9	18	17	7	10	13	6	7
2014	50	24	26	40	24	16	31	18	13	33	23	10	19	14	5	6	2	4
2013	46	33	13	39	28	11	29	18	11	24	11	13	11	4	7	10	5	5
2012	35	19	16	39	20	19	22	9	13	21	9	12	12	7	5	11	8	3
2011	44	26	18	46	33	13	22	15	7	21	17	4	14	11	3	6	5	1
2010	49	33	16	33	24	9	15	13	2	28	19	9	17	13	4	8	6	2
Average	42	24	18	39	23	16	25	14	11	26	15	11	15	9	6	10	5	4

New and Renewed Applications

Figure A.2 compares the number of new and renewed applicants.

The annual number of new applicants has fluctuated from the high teens to the mid-thirties. In 2019, the number of new applicants rose above the 10-year average, with 28 applications compared to the average of 26.

In 2019, the number of applicants renewing their applications to the Judicial Council after previously being unsuccessful was well below average at nine applicants. (“Unsuccessful” applicants include those not granted an interview, as well as those interviewed but not recommended or appointed.)

Figure A.2: New and Renewed Applications by Year (2010 – 2019)

Year	NEW APPLICATIONS		RENEWED APPLICATIONS	
	Total	Recommended After Interview	Total	Recommended After Interview
2019	28	13	9	4
2018	18	12	9	6
2017	36	9	24	5
2016	22	9	20	3
2015	19	11	7	5
2014	34	10	16	9
2013	22	9	24	2
2012	21	8	14	4
2011	28	8	16	4
2010	29	9	18	8
Average Number	26	10	16	5
% of Average		38%		32%

Gender

According to the [Law Society of British Columbia’s 2019 Annual Report](#), females make up 41% of the legal profession in BC. (“Profession” is defined as lawyers registered with the Law Society and practising.) In 2015 and 2016, an equal number of men and women were admitted to the BC bar, while from 2017 to 2019, the number of new female BC lawyers increased to over 50%.

According to the [2018/2019 Annual Report](#) of the Provincial Court of BC, as of March 31, 2019, 47.5% of full-time Provincial Court judges were female. Of the 56 judges appointed during the past five fiscal years, just over half (30) have been women, indicating that the proportion of female judges appointed to the Court has increased in recent years and is approaching parity with males.

In 2019, the Judicial Council recommended 17 applicants for full-time appointment, eight females and nine males. The number of females recommended remained above the average.

Of the candidates on the recommended list in 2019, six were appointed by the Lieutenant Governor in Council: one female and five males.

Age

The average age of judicial applicants in 2019 was 51 years for females and 56 years for males. From 2010 to 2019, applicants had an average age of 52 years, with 51 years for females and 54 years for males.

Figure A.3: Applicants by Age and Gender (2010 – 2019)

Year	Total	Male	%	Average Age	Female	%	Average Age
2019	37	18	49%	56	19	51%	51
2018	27	14	52%	53	13	48%	51
2017	63	41	65%	53	22	35%	53
2016	43	23	53%	53	20	47%	51
2015	27	13	48%	55	14	52%	51
2014	50	24	48%	52	26	52%	48
2013	46	33	72%	53	13	28%	51
2012	35	19	54%	56	16	46%	51
2011	44	26	59%	52	18	41%	51
2010	49	33	67%	53	16	33%	50
Average	42	24	57%	54	18	43%	51

Years of Practice

From 2010 to 2019, applicants have had an average of 22 years of legal practice. Male applicants had an average of 24 years of practice, while female applicants had an average of 21 years. Of those who applied in 2019, male applicants had, on average, four years more practice experience (26 years) than their female counterparts (22 years).

Figure A.4: Applicants by Gender and Average Years of Experience (2010 – 2019)

Year	Gender	Applicants	Years of Practice
2019	M	18	26
	F	19	22
2018	M	14	21
	F	13	23
2017	M	41	21
	F	22	23
2016	M	23	24
	F	20	20
2015	M	13	25
	F	14	21
2014	M	24	23
	F	26	20
2013	M	33	24
	F	13	20
2012	M	19	26
	F	16	23
2011	M	26	23
	F	18	19
2010	M	33	24
	F	16	19
Average		21	22

Area of Practice

Applicants to the Court have practised law in various fields such as private practice, Crown counsel, and other sectors.

While applicants from private practice have often tended to form about two-thirds of the total number, in 2019 they formed only 49%. Crown counsel formed 38% and applications from other areas formed 13% of the total number.

Figure A.5: Applicants by Gender and Area of Practice (2010 – 2019)

Type of Practice	Private	Crown Counsel	Other Areas	
2019	Total	18	14	5
	M	13	3	2
	F	5	11	3
2018	Total	14	10	3
	M	6	7	1
	F	8	3	2
2017	Total	31	20	9
	M	20	11	7
	F	11	9	2
2016	Total	26	12	4
	M	13	6	3
	F	13	6	1
2015	Total	12	9	5
	M	6	2	4
	F	6	7	1
2014	Total	28	18	4
	M	12	11	1
	F	16	7	3
2013	Total	34	8	4
	M	28	1	4
	F	6	7	0
2012	Total	19	10	6
	M	10	4	5
	F	9	6	1
2011	Total	27	12	5
	M	16	6	4
	F	11	6	1
2010	Total	30	10	7
	M	22	5	4
	F	8	5	3
Average	16	8	3	



Any member of the public who has a question relating to the Judicial Council of BC or the judicial candidate application process, whether arising from this report or for any other reason, may send it to the Council in writing by one of the following:

Fax: (604) 660-1108

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337 – 800 Hornby Street
Vancouver, British Columbia V6Z 2C5